

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RUSSIAN SCHOOL OF MATHEMATICS,
INC.,

Plaintiff,

ORDER

v.

23-CV-08103 (PMH)

IRENE SINYAVIN and LOGICUS, LLC,

Defendants.

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PHILIP M. HALPERN, United States District Judge:

On or about August 14, 2023, Plaintiff commenced an action in the Supreme Court of the State of New York, County of Westchester against Irene Sinyavin and Logicus, LLC (“Defendants”) by the service and filing of a Summons and Complaint. (Doc. 1, “Not.” ¶ 1; Doc. 1-2). On September 13, 2023, Defendants removed this action from state court pursuant to 28 U.S.C. §§ 1441 and 1446.

The basis for removal is the alleged diversity of the parties under 28 U.S.C. § 1332(a). (Not. ¶¶ 8-11). Defendants assert that “Plaintiff is a citizen of Massachusetts and Defendants are citizens of New York. As such, the parties are completely diverse pursuant to of 28 U.S.C. § 1332(a).” (*Id.* ¶ 11). According to Defendants, complete diversity exists because “Plaintiff is a corporation organized under the laws of the Commonwealth of Massachusetts with its principal place of business located at 200 Wells Avenue, Suite 101, Newton Massachusetts” (*id.* ¶ 8); and, with respect to Defendants’ citizenship, Irene Sinyavin “is, and at all relevant times was, a resident of the State of New York” and Logicus, LLC “is, and at all relevant times was, a corporation organized under the laws of the State of New York with its principal place of business located in Larchmont, New York.” (*Id.* ¶¶ 9-10). As Logicus, LLC appears to be a

domestic limited liability company and not a corporation (*see* New York State Department of State Corporation and Business Entity Database, available at <https://apps.dos.ny.gov/publicInquiry/EntityDisplay> (last visited Sept. 15, 2023)), the citizenship of Defendant Logicus, LLC has not been adequately alleged.

It is axiomatic that, “[w]ith the exception of corporations, the citizenship of business entities is derived from the citizenship of all members of the entity.” *Carden v. Arkoma Assocs.*, 494 U.S. 185, 189 (1990); *ICON MW, LLC v. Hofmeister*, 950 F. Supp. 2d 544, 546 (S.D.N.Y. 2013) (“[L]imited liability companies . . . obtain citizenship from each of their members.”). Thus, the Notice of Removal fails to adequately allege the citizenship of Logicus, LLC for Defendants’ assertion of jurisdiction based upon diversity of citizenship.

Accordingly, by September 20, 2023, Defendants shall file a letter via ECF explaining the basis for their assertion that diversity of citizenship exists and shall state the citizenship of each of the limited liability company’s members, shareholders, partners, and/or trustees. Defendants are directed to serve a copy of this Order on Plaintiff via e-mail to its counsel.

SO-ORDERED.

Dated: White Plains, New York
September 15, 2023



Philip M. Halpern
United States District Judge